

**DECISION**

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**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

**FILE:** B-212089**DATE:** July 13, 1983**MATTER OF:** John L. LeRoy - Transportation of Household  
Goods - 2-Year Time Limitation**DIGEST:**

Employee is not entitled to reimbursement of expenses of transporting household goods in connection with his permanent change of station from Hartwell, Georgia, to Calhoun Falls, South Carolina, on November 12, 1978, since they were not transported within 2 years of date on which he reported for duty at new official station as required by FTR para. 2-1.5a(2) (May 1973). The amendment to FTR para. 2-1.5a(2), allowing a 1-year extension of the 2-year time limitation, when a 1-year extension of the 2-year period allowed for the sale of a residence is granted, is applicable only to employees whose entitlement period had not expired prior to August 23, 1982. Since the claimant's entitlement period expired prior to that date, the amendment is not applicable to his claim.

Mr. John L. LeRoy, an employee of the Corps of Engineers, Department of the Army, has appealed Settlement Certificate Z-2844887, dated February 9, 1983, issued by our Claims Group, Accounting and Financial Management Division, which denied his claim for reimbursement of the expenses of \$4,575.77 incurred in transporting his household goods from Hartwell, Georgia, to Calhoun Falls, South Carolina, incident to his change of official station. For the reasons hereafter stated, the claimed expenses may not be reimbursed.

Mr. LeRoy reported for duty at Calhoun Falls, South Carolina, on November 12, 1978. He states that when he accepted the position of Resource Manager, he was not aware that the duty station would be located in the city of Elberton, Georgia, rather than at the Russell Project dam site. Since a real estate office was located in Elberton with adequate office space, he agreed that such office would serve as a reasonable temporary location for the Resource

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Manager's Office. Since the office was a temporary location, Mr. LeRoy reports that he did not ship his household goods to Elberton knowing that his office would eventually be moved to the dam site. He also states that he desired to settle permanently near the dam site, if possible.

Mr. LeRoy requested and was granted an extension of time until November 12, 1980, to file his claim for permanent change of station benefits. The Resource Manager's Office was relocated from Elberton to the Russell Dam site on March 11, 1981. On October 28, 1981, Mr. LeRoy requested that the Corps of Engineers authorize the shipment of his household goods from Hartwell to Calhoun Falls. His request was denied on the basis that more than 2 years had elapsed from the date of his transfer.

Paragraph 2-1.5a(2), Federal Travel Regulations, FPMR 101-7 (May 1973) (FTR), provides that transportation of household goods shall be accomplished as soon as possible and that the maximum time for beginning allowable transportation may not exceed 2 years from the effective date of the employee's transfer. Similar language is contained in Paragraph C8002-8 of the Joint Travel Regulations, Volume 2, which governs the entitlement of civilian employees of the Department of Defense to relocation expenses.

Since the above regulations were issued pursuant to statutory authority, they have the force and effect of law. Accordingly, the time limitations and effective dates set forth therein may not be waived, modified, or extended by this Office regardless of extenuating circumstances. 49 Comp. Gen. 145 (1969); Edward B. Connors, B-190202, August 14, 1978; Peter E. Donnelly, B-188292, July 8, 1977. Inasmuch as Mr. LeRoy did not request authorization to transport his goods at Government expense until approximately 34 months after his transfer to Calhoun Falls, South Carolina, this Office is without authority to authorize reimbursement of the expenses he incurred in shipping his goods to his new official station.

In his letter of appeal, Mr. LeRoy has pointed out that the Administrator of General Services has issued a change to FTR para. 2-1.5a(2) which permits the extension of the initial 2-year period for an additional period of time not to exceed 1 year when the 2-year time limitation for the completion of residence transactions has been extended. GSA Bulletin FPMR A-40, Supplement 4, 47 Fed. Reg. 44,565, October 8, 1982. However, the revision is effective only for employees whose entitlement period did not expire prior to the issuance date (signature date) of Supplement 4. The signature date of Supplement 4 was August 23, 1982. Unfortunately, Mr. LeRoy's entitlement period expired on November 12, 1980, almost 2 years prior to the amendment to the FTR. Therefore, the amendment of FTR para. 2-1.5a(2), permitting an extension of time to a maximum of 3 years for the transportation of household goods, is not applicable to this case. James H. Gordon, B-210478, March 17, 1983, 62 Comp. Gen. \_\_\_\_\_; Richard J. Walsh, B-210862, June 9, 1983.

Accordingly, there is no authority to permit reimbursement of the expenses of \$4,575.77 incurred by Mr. John L. LeRoy in transporting his household goods, incident to his permanent change of station. The settlement action of our Claims Group is therefore sustained.

*for Milton J. Gordon*  
Comptroller General  
of the United States